

Rico Planning Commission Memorandum

Date: November 3, 2023

TO: Town of Rico Planning Commission
FROM: Chauncey McCarthy, Rico Town Manager
SUBJECT: November Planning Commission meeting

Recommendation of Ordinance 2023-06 an ordinance of the Town of Rico, Colorado amending the short-term rental restrictions and licensing requirements in the Rico Land Use Code.

Included in this packet is draft ordinance 2023-06 which would amend the short-term rental restriction and licensing requirements in the Rico Land Use Code. In addition to the ordinance is a staff memo summarizing the changes, and reviewing the proposed amendment to the RLUC requirements and standards has been provided.

Recommendation of road building and disturbance permit application Hancock Alley Block 18, Leah Chmielewski applicant

Included in the packet is a road building and disturbance permit application to extend the alley that runs perpendicular to Hancock Street of block 18. The applicant is proposing to extend the alley to the end of lots 15 and 26 of block 18. The proposed improvements are within the wetland buffer and require a disturbance permit. This hearing and recommendation are for two permit applications, a road building permit and a disturbance permit. Included in the packet, in addition to the required submittal materials for both applications, are staff memos reviewing the RLUC standards and requirements against the applications. Section 478 requires all road building applications to be reviewed by the town engineer. Dan Quigley, Buckhorn Engineering, has provided a memo reviewing the proposed plans. Two letters of public comment have been included in the packet as well.

Rico Land Use Code global revision

We will continue reviewing and working through the RLUC global revision. Included in the packet is a memo summarizing the last planning commission's review.



TOWN OF RICO
INCORPORATED OCTOBER 11, 1879
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To: Rico Planning Commission 11.2.2023
 From: Chauncey McCarthy, Town Manager
 Subject: Application for Amendments to the Rico Land Use Code (RLUC) - Short Term Rentals, Ordinance No. 2023-06, an ordinance of the Town of Rico, Colorado amending the short-term rental restrictions and licensing requirements in the Rico Land Use Code.

Included in your packet is a draft of Ordinance No. 2023-06, which would amend the short-term rental restriction and licensing requirements in the Rico Land Use Code.

This amendment addresses deficiencies in the current STR regulations identified during the August 16, 2023 regular Board meeting and other issues identified by Town Staff.

Pursuant to the RLUC § 456.4, new STR license applicants, and prior licensees whose two-year license has expired, are placed in a lottery. This creates practical difficulties for the Town, current property owners, and potential purchasers including, without limitation, the following:

- Resulting uncertainty regarding revenue from application fees, renewal fees and lodging taxes unnecessarily complicates the Town's budget process.
- Cannot reasonably predict the amount of initial or renewal application fees that the Town may collect in any given year to the extent that all the lottery winners could be new licensees, renewing licensees, or a mix of both.
- Cannot anticipate the Town's future lodging tax revenue when it does not know how many STR units will be in operation or the maximum occupancy of such units.
- Current licensees and potential purchasers cannot rely on the continued effectiveness of an STR license, or the related rental income, while pursuing loan alternatives. Any limitation on financing alternatives may be detrimental to the value and marketability of real estate.
- Town residents that use STRs to house visitors may also be affected to the extent that the regular turnover of STR licenses could make it more difficult to know what properties are currently available for their guests.

The proposed draft ordinance will amend the STR Regulations as follows:

- Replaces the lottery system with open enrollment. Allow STR license applications to be submitted at any time and issue licenses on a first come first serve basis. If there are no STR licenses available within a quadrant, applicants will be placed on a waiting list.
- Revises the application fee structure. Add a nonrefundable application fee of \$50 to \$100, and make the current application fee a “license fee” to be paid when a license is available.
- Revise the license term and renewal provisions. The initial term of each STR license will begin on the date it is issued and end on the next renewal date. In order to simplify administration, there will be one annual renewal date per year applicable to all STR licenses, regardless of when they were issued. In conjunction with changing to annual renewal, the renewal fee could be reduced from \$1,500 to \$750.

In addition to the forgoing, the draft Ordinance proposes an increase to the penalties for violation of the STR regulations. Based on the current fine amounts, an individual could violate the STR Regulations three times before they were fined an amount equal to the application fee. The amendment would increase penalties as follows: \$2,500 for first offense, \$3,000 for second offense, \$4,000 for third offense, and \$5,000 for fourth and all subsequent offenses.

Please review these proposed changes for compliance with the RLUC amendment standards provided in Section 418 of the RLUC.

Discussion of RLUC Amendment Requirements and Standards

Section 414: Application for Amendment Requirements

- 414.1: Applicant is the Town of Rico Staff (and the Rico Planning Commission if these changes are recommended to the Town Board)
- 414.2: The requested changes are summarized in this cover letter and shown in Exhibit A to Ordinance 2022-05. These changes are general in nature and apply to all properties in the Town.
- 414.3: Not applicable.
- 414.4: Not applicable.
- 414.5: Not applicable.
- 414.6: Not applicable.
- 414.7: Not applicable.
- 414.8: This letter provides the applicable application information.

- 414.9: See above for an explanation of the rationale for the amendment request and see below for additional explanation.
- 414.10: Not applicable.

Section 418: Standards for Review of Amendment Applications

The Planning Commission shall find that either standard 418.1 is met or that standards 418.2 through 418.4 are met prior to recommending approval of the amendment.

418.1. The existing Zone District classification or desired Master Plan land use was adopted in error; or,

- *Not applicable.*

418.2. the proposed Amendment is compatible with the land uses in the surrounding area; and,

- *The proposed amendments will allow the Town to more effectively regulate short-term rentals and ensure that the operation of short-term rentals is consistent with surrounding land uses in the Town.*

418.3. the proposed Amendment will serve a community need and thereby promote the public health, safety, or welfare of the Rico community and the public services and infrastructure are adequate to meet the needs of the proposed Amendment; and,

- *The proposed amendments serve the needs of the Town. The amendments will update the regulation of short-term rentals in the Town to address the issues raised in a recent work session and by town staff. The amendments will also provide additional structure and clarity regarding the issuances of short-term rentals licenses in the Town and will help ensure that violation of the short-term rentals regulations penalties offset the cost of enforcement.*

418.4. the proposed Amendment is consistent with the purposes of the RLUC and the goals and objectives of the Rico Regional Master Plan.

- *The proposed amendments support the purposes of the RLUC, including to “preserve and enhance the integrity, stability and livability of residential neighborhoods.”*

**TOWN OF RICO
ORDINANCE NO. 2023-06**

**AN ORDINANCE OF THE TOWN OF RICO, COLORADO AMENDING
THE SHORT-TERM RENTAL RESTRICTIONS AND LICENSING
REQUIREMENTS IN THE RICO LAND USE CODE.**

WHEREAS, the Town of Rico, Colorado (the “Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Rico Home Rule Charter (the “Charter”); and

WHEREAS, by Ordinance No. 2022-05, the Town amended the Rico Land Use Code to impose a license requirement for short-term rentals and remove short-term rentals from special use permit review; and

WHEREAS, on November 8, 2023, the Rico Planning & Zoning Commission considered the amendments to the RLUC contained in this Ordinance at a duly noticed public hearing, and recommended the Board adopt the amendments; and

WHEREAS, the Town desires to preserve small town character while maintaining livability in accordance with the Rico Regional Master Plan by minimizing the adverse effects of short-term rentals on residential neighborhoods and the Town’s housing supply; and

WHEREAS, the Board desires to amend the RLUC §§ 456 and 457 to allow for submission of applications at any time, creation and maintenance of a waitlist, shortening the permit duration to one year, amending the fee schedule and increasing fine amounts; and

WHEREAS, the Board finds and declares that the amendments to the RLUC regarding short-term rentals set forth herein are proper in light of the needs and desires of the Town and in the promotion of the public health, safety, and welfare of the Town’s residents.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO THAT:

Section 1. The recitals above are hereby adopted as findings and incorporated herein.

Section 2. The Rico Land Use Code shall be and is hereby amended as set forth in **Exhibit A** to this Ordinance, incorporated by reference hereto.

Section 3. This Ordinance shall take effect immediately on final adoption.

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ, AND APPROVED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY ON _____ 2023.

TOWN OF RICO, COLORADO

Nicole Pieterse, Mayor

ATTEST:

Anna Wolf, Town Clerk

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ
ON SECOND READING, PASSED AND ORDERED PUBLISHED BY TITLE ONLY TO BE
EFFECTIVE IMMEDIATELY ON _____ 2023.

TOWN OF RICO, COLORADO

ATTEST:

Nicole Pieterse, Mayor

Anna Wolf, Town Clerk

Effective Date: _____, 2023

EXHIBIT A

AMENDMENTS TO THE RICO LAND USE CODE

Additions shown in double underline; deletions shown in ~~striketrough~~.

456. LICENSE PROCEDURES

456.1 Application Requirements. The owner shall submit the application on the form provided by the Town and shall pay the application fee. The nonrefundable application fee shall be ~~\$2500~~100 for an initial application and ~~\$1500-75~~ for an annual renewal application ~~(including renewals pursuant to the lottery system)~~. Prior to issuance or renewal of a short-term rental license, the applicant shall pay the licensing fee. The licensing fee for a new short-term rental license shall be \$2500 and \$750 for renewal of an existing short-term rental license. Applications for renewal of a short-term rental license starting on January 1 shall be submitted to the Town no later than August 1 of the year preceding calendar year the renewal term.

456.2 Available Licenses, Waitlist. In the event that there are no short-term rental licenses available within the quadrant, as established by Section 454.3(a) above, in which the applicant's proposed short-term rental property is located, the applicant shall be added to a short-term rental license wait list. The Town shall create and maintain a wait list for this purpose for each quadrant.

(a) Priority for issuing a short-term rental license, when available in the applicable quadrant, shall be based on application date such that the applicant that has been on the wait list the longest shall be entitled to receive the next available license upon payment of the licensing fee.

(b) An applicant shall remain on the wait list until a license is issued to the applicant, or the applicant is otherwise removed from the wait list, whichever occurs first. An applicant shall be removed from the wait list for violation of the Short-Term Rental Regulations, or upon transfer of the applicant's proposed short-term rental property to a new owner.

456.3 Application Review, Referral, and Appeal. The Town Manager, in consultation with the Town Planner, shall review applications for short-term rental licenses for compliance with these regulations. The Town shall review applications during the month of August and shall issue license decisions no later than September 15. If the application is in conformity with the Short-Term Rental Regulations, the Town Manager shall issue a short-term rental license, if available, or add the applicant to the waitlist pursuant to Section 456.2 above, within thirty (30) days of submission. The Town Manager may, in his or her sole discretion, refer an application to the Board of Trustees if the application raises issues

on which the Board's input is necessary or desirable. If the application is not approved and the license is not issued, the Town Manager shall state in writing the reason(s) for the denial of the license. The applicant may appeal the Town's denial to the Board of Trustees within thirty (30) calendar days of issuance of the written denial decision.

456.4 Issuance and Term of License, Initial Term and Renewal. All short-term rental units, except short-term rental dwelling units for which the Town has issued a special use permit as of the date of the ordinance adopting these regulations, shall require a license from the Town. Such license shall only be issued after the short-term rental application has been approved in accordance with the Municipal Code. The short-term rental license shall specify any terms and conditions of the license. All licenses shall be issued to the owner of the property. No natural person or business entity shall be issued more than one short-term rental license, nor shall the owner of an existing short-term rental dwelling unit as of the date of adoption of these regulations be issued a license for an additional short-term rental. Licenses shall not transfer with the transfer of property to a new owner: a change in ownership of the property shall necessitate a new application and issuance of a new license.

(a) Licenses shall be issued for an initial period of ~~two (2) years starting on January 1~~ commencing on the approval date and shall automatically expire on December 31 of the ~~second~~ same year.

(b) The renewal period for each license shall be one (1) year starting on January 1 and shall automatically expire on December 31 of the same year.

~~456.4 Lottery System. If the number of new or renewal license applications submitted for an application cycle would lead to a total number of short term rental units in excess of the number allowed in Section 454.4 (including the total number allowed for any quadrant of the Town), the Town Manager shall issue licenses by random lottery. Such lottery shall not provide a preference to renewal applications over new applications. The Town shall refund the application fees, except for an administrative fee of \$50 which shall be retained by the Town, for applications not issued pursuant to a lottery.~~

456.5 Neighborhood Notification. Upon issuance of a short-term rental license, the property owner shall be responsible for mailing public notification of the license to owners of all real property within two hundred fifty (250) feet of any boundary or edge of the subject property or parcel. The property owner shall provide certification to the Town Manager that proper notice has been provided, including a signed affidavit.

456.6 Revocation of License. A short-term rental license may be revoked at any time by the Board following a hearing if the Town determines that the property is not being operated in compliance with this Short-Term Rental Regulations or any other Town ordinance. A short-term rental license shall be revoked automatically upon the property owner's third conviction in Rico Municipal Court of a violation of any provision in these

Short-Term Rental Regulations with respect to the short-term rental. An applicant whose short-term rental license has been revoked within the last two years shall not be allowed to apply for a new or renewal short-term rental license.

456.7 Tax Collection. A license holder who fails to collect any applicable taxes on a short-term rental, including but not limited to lodging tax, during the license period shall not be allowed to renew the license for the next two-year license cycle. Owners shall present documentation demonstrating the collection and remittance of taxes to the Town as part of the license renewal application.

457. PENALTIES AND ENFORCEMENT

457.1 Penalties for Violations. Any violation of the Short-Term Rental Regulations shall be subject to a fine of two thousand two hundred fifty dollars (\$2,500.00) for the first offense, three thousand five hundred dollars (\$3,0500.00) for the second offense, seven four thousand hundred fifty dollars (\$7504,000.00) for the third offense, and one Five thousand dollars (\$51,000.00) for the fourth offense and all subsequent offenses. Each day's continuing violation shall be a separate and distinct offense.



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To: Rico Planning Commission
 From: Chauncey McCarthy, Town Manager
 Subject: Hancock Alley Extension Disturbance permit review

11/3/2023

823. Disturbance permit application submittal requirements:

In addition to other submittal requirements for development applications, an Applicant shall submit the information identified below for any development that requires a Disturbance Permit pursuant to these Wetland Protection Regulations. Upon request, the Town Planner may perform a site inspection, verify that no wetland, water areas, or associated buffer zone exist on the site, and waive this submittal requirement.

823.1 Boundary Map. A map or diagram separately depicting the boundary of water areas, wetlands, and riparian areas, depicting the boundary of the restrictive inner buffer zone from water areas and wetlands, depicting any site specific triggers for a variable outer buffer zone listed in 824.3, and depicting the boundary of the proposed disturbance in wetland areas, water areas and buffer zone areas.

Submittal requirement met

823.2 Proposed Disturbance. A description of the proposed activity causing disturbance, including the amount, location, and acreage of water area or wetland fill, removal, or other alteration proposed, and location and extent of proposed disturbance in the buffer zone.

Submittal requirement met

823.3 Grading Plan. A grading and erosion control plan, utilizing soil stabilization measures and practices to minimize the impacts of the proposed disturbance described in 827, including a timeframe for installation of erosion control measures.

Submittal requirement met (Timeframe not provided)

823.4 Re-vegetation Plan. Plan showing quantity and type of plant material to be used for re-vegetation, time frame for re-vegetation, and proposed soil stabilization measures.

No re-vegetation plan provided

823.5 Mitigation Plan. A plan to mitigate the impacts of proposed fill of water areas or wetlands showing the proposed on-site restoration improvements, including information of those wetland areas to be restored and/or created, in accordance with 828.

N/A

823.6 Alternative Analysis. A statement and analysis of any practicable on-site development configuration alternatives to the proposed development activity causing disturbance which reduce or avoid such disturbances, including reduction in the scale of the proposed development.

N/A

823.7 Army Corps. For activities that involve the fill of wetland areas, evidence of compliance acceptance of the Plan by the U.S. Army Corp of Engineers

N/A

Section 825 Review Standards for Disturbance Permit states:

The reviewing entity shall use the standards in this section for review of Disturbance Permits for site development in wetlands, water areas, and buffer zones. The reviewing entity must find that the application meets at least one of the following standards in order to issue a Disturbance Permit. In all cases where an application for a Disturbance Permit meets one of the standards below, an acceptable Disturbance Plan that meets the standards in 826 and, if required, an acceptable Mitigation Plan that meets the standards in 827 are required as a condition to issuance of a Disturbance Permit. Unless otherwise approved by Town, the requirements set out in the Disturbance Permit shall be completed prior to acceptance of any improvements involving wetland disturbance.

The proposed disturbance within the buffer zone of the wetlands depicted on the SGM delineation map, dated May 12, 2023 meets multiple standards:

825.2 The proposed activity is necessary to achieve access to property or provide utility service to property, and no other access route avoiding wetland and buffer zone areas is practical or the proposed access route results in better overall design of the site development;

825.3 The proposed activity in a buffer zone is a temporary disturbance for customary construction and development of a property;

826. DISTURBANCE PLAN PRACTICE STANDARDS.

A Disturbance Permit for site development in a wetland area, water area or associated buffer zone include a Disturbance Plan that meets the following standards for development practices to the extent practicable.

A disturbance plan was not provided by the engineer or wetland delineation firm. The applicant states the site plan provides the necessary information. The review of the standards below was compiled from information on page C000 and C100 of titled: LOTS 15-16 AND 26-30 BLOCK 18 INFRASTRUCTURE IMPROVEMENT PLANS Dated 10/12/2023

826.1 Disturbed wetland soils shall be retained for on-site revegetation, on-site mitigation, or off-site mitigation, as set forth in the Disturbance Permit;

N/A

826.2 Site development in wetland, water areas, and buffer zones shall be confined to the designated boundaries of the Disturbance Permit;

Standard met

826.3 Appropriate erosion and siltation controls must be utilized. Areas not meant for development shall be protected with silt fence, snow fence, or other such barriers, and all exposed soil and other fill shall be permanently stabilized at the earliest practicable date;

Standard met

826.4 Grading and construction shall be timed to minimize soil exposure to heavy run-off and rainy periods;

Timeframe not provided

826.5 Runoff from impervious surfaces such as walkways, parking areas and driveways shall be detained and infiltrated;

Standard not met

826.6 The grade of exposed slopes shall be minimized and erosion shall be controlled by utilizing mulching, erosion control blankets, barriers, such as straw bale dikes and silt fencing, and other appropriate means;

Standard met

826.7 Runoff velocities shall be maintained to prevent high erosion by using flow barriers (i.e., vegetation, rip-rap, etc);

Standard not met

826.8 Drainage ways and outlets shall be protected from increased flows;

Standard not met

826.9 On-site sediment shall be trapped by using check dams, temporary diversions, detention basins, straw bales, silt fences, or other appropriate means;

Standard met

826.10 Disturbed areas shall be revegetated with native vegetation or other appropriate vegetation acceptable to Town;

Standard met

826.11 Existing hydrologic flow shall be maintained through the site through the use of culverts, French drains, or other devices;

Standard not meet

826.12 Cut and fill shall be minimized;

Standard met

826.13 Heavy equipment working within a wetland area shall use measures to minimize soil disturbance;

Standard met

826.14 Security in the amount of one hundred twenty five percent (125%) of the written estimated cost of the disturbance plan measures shall be provided;

Written estimate not provided

826.15 Any other appropriate measure as deemed necessary by the reviewing entity shall be followed;

826.16 The project's runoff shall not violate other applicable regulations and laws (e.g., state water quality regulations, Endangered Species Act, National Environmental Policy Act), or significantly degrade wetland or water areas.

Standard met

827 Mitigation Plan. A Mitigation Plan for proposed fill of, or impact to, wetland areas shall include the following information

A mitigation plan was not included with this application as the proposed disturbance is temporary and within the buffer zone not the wetlands.

Summary:

The plan set provided for review does not include a drainage plan. With no drainage and disturbance plan certain standards have not been met. Buckhorn engineering has flagged some concerns related to drainage and downslope erosion impacts that will need to be addressed prior to the approval of this permit since the downhill side of this proposed alley abuts a delineated wetland.



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To: Rico Planning Commission
 From: Chauncey McCarthy, Town Manager
 Subject: Hancock Alley Extension Disturbance permit review

11/3/2023

Below is a review of the application to the submittal requirements. This application has generated some concern amongst staff as the proposed improvements tie into private land. An easement or agreement should be in place as a consideration of this application.

475. Road building application submittal requirements:

Road Building applications shall contain the following materials and information in addition to a completed Road Building permit application form provided by Town.

475.1. Site map showing location and extent of work to be performed;

Standard met

475.2. proposed design specifications, including two-foot contour lines and cross sections at five-foot intervals which adequately illustrate significant grading and drainage conditions;

Design specifications include two-foot contour lines, cross sections are not provide as design does not five-foot of elevation change. Illustrate significant grading and drainage conditions standard not met

475.3. copy of a certified survey;

Standard not met

475.4. proposed off-street parking plan;

Plan set shows off-street parking to be provided on lot 26 block 28. The applicant's statement of use say the alley will provide access to lots 15-16 Block 18 which generates concern due to close proximity the alleyway is to the wetlands, limiting off street parking on the west side of lots 15-16

475.5. proposed snow removal plan;

The applicant plans depict snow storage behind a blow-off hydrant. The plan set shows 2 3' boulders to be installed to protect hydrant. Public works reviewed these plans and does not support the proposed design. They have requested that the blow-off hydrant be moved to the north approximately 50 ft; with the boulders still being installed to protect the blow-off hydrant. The area between the termination of the improved alley and the hydrant could be used for snow storage. Placing snow behind the hydrant could result in damage to the hydrant during the winter.

475.6. statement describing the proposed use of the road; and

Standard Met

475.7. where applicable, an improvements agreement with acceptable financial guarantees for Road Building applications that are not part of a subdivision application

To be determined by the reviewing entity

478. Road design standards

The following standards apply to Road Building applications. All Road Building applications shall be reviewed by the Town Engineer who may require additional improvements or conditions. The Town Board shall have the right to approve Road Building applications that vary from the standards set forth below where the variance in design does not result in safety, emergency vehicle access, or long-term maintenance problems.

The plans submitted have been reviewed by one of the town's contract engineers. The memo has been included as a separate document.

MEMORANDUM

TO: Chauncey McCarthy, Town of Rico Manager
FROM: Dan Quigley, P.E.
DATE: November 3, 2023
SUBJECT: Design Review Infrastructure Improvement Plans, Lots 15-16 and 26-30,
Block 18

Mr. McCarthy:

We have completed our review of the proposed Infrastructure Improvement Plans to Lots 15-16 and 26-30, Block 18 in the Town of Rico. Those plans were prepared by Mountain Civil Consulting (Andrew Rampiejko, P.E.) and dated October 12, 2023. We have reviewed the plans and offer the following points for your consideration:

Plan Sheet Comments:

1. Sheet C000 -Cover Sheet – No Comments
2. Sheet 1 of 1 – All Points Survey. Per Land Use Code, Section 475.3, survey shall be certified. The Survey sheet provided was not signed/sealed by a Professional Land Surveyor. Please provide a certified copy of the survey in the final project submittal for Planning Commission approval.
3. Sheet C100 – Inset: Alley Grading Plan is cut off. Please provide full detail on final plans.

General Comments:

4. No drainage plans were included to examine the potential impact of the alley road construction on lots downslope of Lots 15-16 of Block 18. Please include permanent drainage/stormwater controls as part of the proposed alley road design. Inset detail on Sheet C100 indicates that temporary stormwater control (straw wattle) should be installed, but permanent drainage structures should be considered for an access road on flat terrain to avoid stormwater ponding. The road has been sloped to drain to the downhill side but it is unclear how that drainage will be controlled to minimize downslope erosion impacts.
5. No mention is made of easements for access to lots across adjoining lots. It should be noted that those easements will be required to maintain the lot accesses proposed in these plans.
6. The driveway to Lot 28 is shown but no material or construction details are provided. Please provide driveway construction notes and/or details that are consistent with the Town's Land Use Code.

The plans we reviewed consisted of three (3) sheets, which are labeled as follows:

- Sheet C000 – Cover Sheet
- Sheet 1 of 1 – All Points Survey
- Sheet C100 – Alley and Driveway Improvement Plan

Thank you for the opportunity to provide plan review for this project. Please contact me at (970) 497-8852 or dquigley@buckhornengineering.com with any questions about our comments.

Best regards,
BUCKHORN ENGINEERING, INC

Daniel C. Quigley, P.E.
Principal





Road Building Application

Applicant Name Leah Chmielewski Phone Number 571.249.3339
 Address PO Box 151 Cell Phone Number 571.249.3339
 Email Leahchm@yahoo.com Fax Number NA
 Address of Subject Property NA - Town Plat Ed Right of Way
 Legal Description of Subject Property NA - Plated Right of Way North annd perpendicular
to Soda Street and west/parallel to Hancock Street

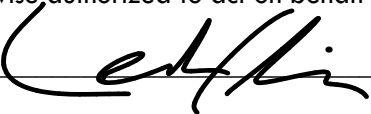
 Zone District of Subject Property Section 35, Township 40, Range 11

Attachments Required:

- ☒ Site map showing location and extent of work to be performed
- ☒ proposed design specifications, including two-foot contour lines and cross sections at twenty-five foot intervals which adequately illustrate significant grading and drainage conditions;
- ☒ Proposed off-street parking plan
- ☒ Proposed snow removal plan
- ☒ Statement describing the proposed use of the road; and
- ☒ Where applicable, an improvements agreement with acceptable financial guarantees for Road Building applications that are not part of a subdivision application.
- ☒ An application fee in the amount of \$350.00

Not Applicable - already part of Rico Subdivision per plat and Major Street Plan.

I swear that the information provided in this application is true and correct and that I am the owner of the property or otherwise authorized to act on behalf of the owner of the property.

Signature:  Date 17 October 2023

Statement Describing Proposed Use of the Road

This application is to improve additional area in the plated town right of way that extends north of Soda street (located parallel and west to Hancock Street through to lots 25-28 and 15-17, Block 18, Rico, CO. The improvements would extending the existing improvement that is already in place from Soda Street north to lots 21-24 and 17-20, Block 18 in Rico, CO, and as per is currently maintained by the Town of Rico and documented in the Major Street Plan. The improvement is consistent with the plated Town of Rico right of way, and is slightly wider than the current improved way, but still within the plated width constraint of 16 feet. The proposed use would be access to lots 26-28 and 15-16, Block 18 properties.

The application is in compliance with the Major Street Plan and the design standards in 478. Public notice for Road Building Applications was be posted at the Town Hall and Post Office as well in the designated official paper of record at least ten (10) days prior to the hearing. Written notice was mailed to property owners adjacent to the proposed road construction at least twenty (20) days prior to the hearing.

Per 475, Rico Land Use Code:

- X Road Building application is enclosed/provided.
- X 475.1. Site map showing location and extent of work to be performed - enclosed;
- X 475.2. proposed design specifications, including two-foot contour lines and cross sections at five-foot intervals which adequately illustrate significant grading and drainage conditions; - enclosed (note elevation changes do not constitute significant grading or drainage conditions; drainage plan included in plan)
- X 475.3. copy of a certified survey; - enclosed
- X 475.4. proposed off-street parking plan; - included in improvement plan
- X 475.5. proposed snow removal plan; - included in improvement plan
- X 475.6. statement describing the proposed use of the road; - enclosed
- and
- X 475.7. where applicable, an improvements agreement with acceptable financial guarantees for Road Building applications that are not part of a subdivision application. - Not applicable; the already partially improved right of way is a platted right of way, was already part of a Rico Subdivision, is included in the Major Street Plan.

The improvement plans meet the Road Design Standards as follows:

478.

X Reviewed by Engineer (Designed by engineer with stamped, certified plans.)

478.1

X Complies with Major Street Plan. This application complies with the Town of Rio's Major Street Plan and extends improved road through currently platted unimproved road to extend reach to properties as planned/platted.

478.2

X Width. The width of the improvement is within the constraints of the 16ft wide platted right of way and widens the currently improved way in front of lots 15-16 and 26-27 to 14ft, which is within driveway width constraints

478.3

X Road Base and Surfaces

x A. Meets right of way platted width constraints as well as driveway width requirements. This is not a 60ft width platted road, but rather a 16ft width platted right of way. 14ft fifth allows for planned drainage and offstreet parking.

X B. Meets road surface requirement of minimum six (6) inch crown

X C Meets road base requirement of consisting of a minimum of five (4) inch or smaller aggregate topped by a minimum three (3) inches of 3/4 inch or smaller road mix if the road is unpaved.

478.4

X Grade. Meets grade requirements at 3%. Road improvement grade is under the 10% maximum grade. There are no road intersection improvement plans (already improved per ordinance 275). Driveway intersections are under the maximum road grade of 8%. There are no curves with a radius of less than 250 feet and a grade exceeding 8%.

478.5

X Drainage requirements are met.

478.6

X Road cut requirements are met. No Road cuts greater than 6ft. Slope requirements met.

478.7.

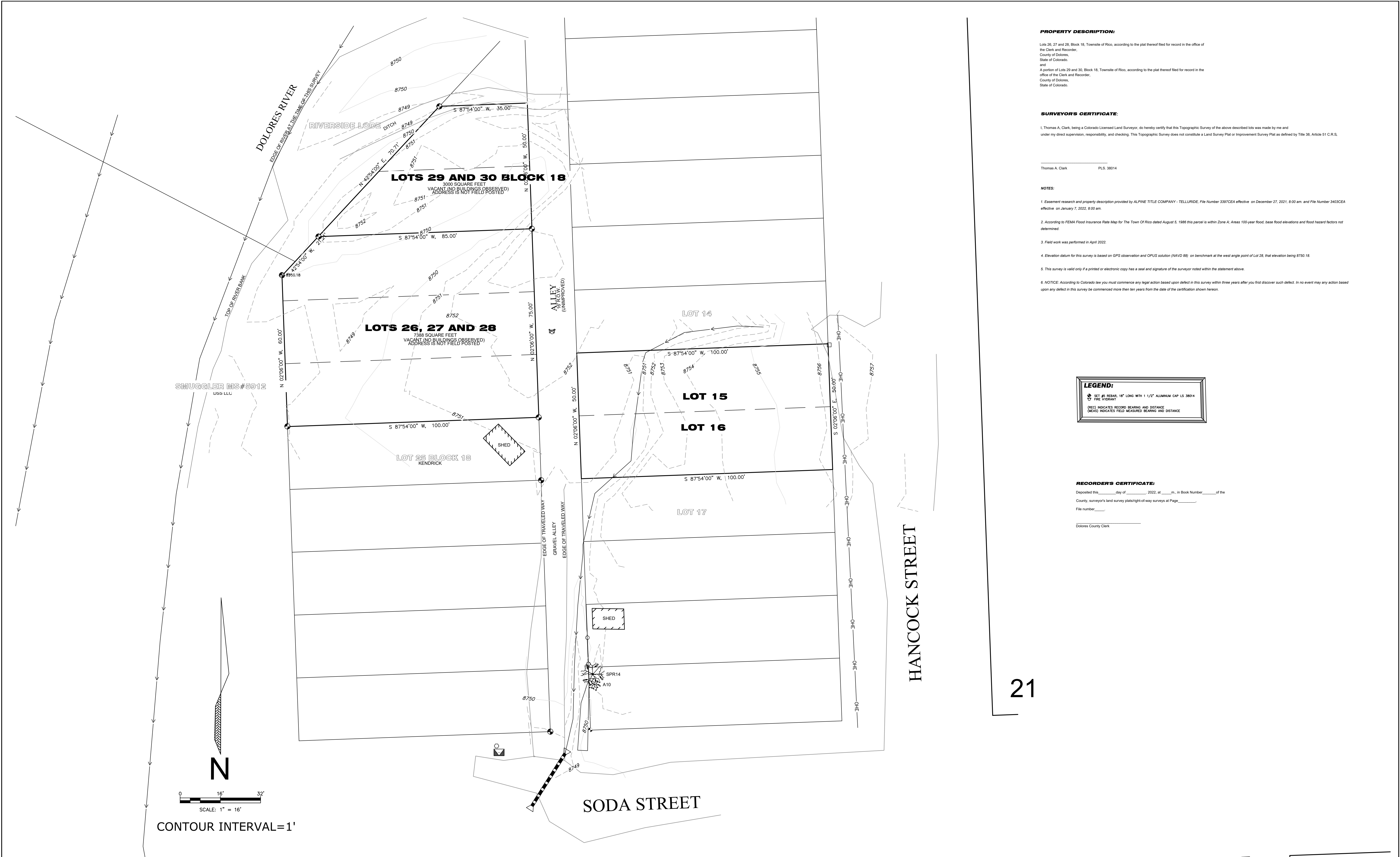
X Re-vegetation and Landscaping. Not applicable. No significant road cuts or tree removals in the town right of way are planned. Any Re-vegetation and landscaping shall use native species of grasses, plants, and trees.

478.8

X Intersections. Not applicable. No intersections are planned with this improvement.

478.9

X Cul-du-Sac streets. Not applicable. The plans are to improve an already platted right of way approved by the town. The street is less than 500 feet in length. The improvement is approximately 75ft in addition to an already improved 100ft for. Total of approximately 175ft.



PROPERTY DESCRIPTION:

Lots 26, 27 and 28, Block 18, Townsite of Rico, according to the plat thereof filed for record in the office of the Clerk and Recorder,
County of Dolores,
State of Colorado,
and
A portion of Lots 29 and 30, Block 18, Townsite of Rico, according to the plat thereof filed for record in the office of the Clerk and Recorder,
County of Dolores,
State of Colorado.

SURVEYOR'S CERTIFICATE:

I, Thomas A. Clark, being a Colorado Licensed Land Surveyor, do hereby certify that this Topographic Survey of the above described lots was made by me and under my direct supervision, responsibility, and checking. This Topographic Survey does not constitute a Land Survey Plat or Improvement Survey Plat as defined by Title 38, Article 51 C.R.S.

Thomas A. Clark PLS 38014

NOTES:

- Easement research and property description provided by ALPINE TITLE COMPANY - TELLURIDE, File Number 3397CEA effective on December 27, 2021, 8:00 am, and File Number 3403CEA effective on January 7, 2022, 8:00 am.
- According to FEMA Flood Insurance Rate Map for The Town Of Rico dated August 5, 1986 this parcel is within Zone A, Areas 100-year flood, base flood elevations and flood hazard factors not determined.
- Field work was performed in April 2022.
- Elevation datum for this survey is based on GPS observation and OPUS solution (NAVD 88) on benchmark at the west angle point of Lot 28, that elevation being 8750.18.
- This survey is valid only if a printed or electronic copy has a seal and signature of the surveyor noted within the statement above.
- NOTICE: According to Colorado law you must commence any legal action based upon defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

LEGEND:

SET #5 REBAR, 18" LONG WITH 1 1/2" ALUMINUM CAP LS 38014
FIRE HYDRANT
(REC) INDICATES RECORD BEARING AND DISTANCE
(MEAS) INDICATES FIELD MEASURED BEARING AND DISTANCE

RECORDERS CERTIFICATE:

Deposited this _____ day of _____, 2022, at _____ m., in Book Number _____ of the
County, surveyor's land survey plat/right-of-way surveys at Page _____
File number _____

Dolores County Clerk

TOPOGRAPHIC MAP OF LOTS 26, 27 AND 28, AND LOTS 29 AND 30, BLOCK 18,
TOWN OF RICO, SECTION 35, T40N, R11W, N.M.P.M., DOLORES COUNTY, COLORADO.

ALL POINTS LAND SURVEY L.L.C.
PO BOX 754 OPHIR, COLORADO 81435 (970) 708-9694

DATE: 5/4/2022	TC	JOB# 22003	
DRAWN BY	JCC		
CHECKED BY		SHEET-1-OF-1	

BENCHMARK:

1. BENCHMARK INDICATED ON SHEET C100. TOPOGRAPHIC SURVEY PROVIDED BY ALL POINTS
LAND SURVEYING 970-708-7694. CONTACT SURVEYOR TO ESTABLISH BENCHMARK AND
CONSTRUCTION CONTROL AS REQUIRED.

GENERAL NOTES:

1. THESE PLANS ARE FOR INFRASTRUCTURE IMPROVEMENTS ONLY AS SHOWN IN THE PLANS.
2. EXISTING CONDITIONS SHOWN IN THESE PLANS IS FROM TOPOGRAPHIC SURVEY DATA PROVIDED BY ALL POINTS LAND SURVEYING SURVEYING.
3. ALL MATERIALS AND CONSTRUCTION SHALL BE COMPLETED PER TOWN OF RICO LAND USE CODE AND/OR STANDARDS AND REQUIREMENTS, MOST CURRENT VERSION. WHERE TOWN OF RICO STANDARDS AND REQUIREMENTS DO NOT COVER THE SCOPE OF WORK, CDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION SHALL APPLY.
4. THE CONTRACTOR SHALL HAVE ONE APPROVED AND SIGNED (TOWN AND ENGINEER) COPY OF THE PLANS ON THE JOB SITE AT ALL TIMES. CONTRACTOR SHALL ALSO HAVE THE JOB SPECIFICATIONS, AND CONSTRUCTION STANDARDS ON SITE.
5. CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL HAVE A COPY OF ALL APPLICABLE PERMITS ON SITE.
6. AT LEAST TWO (2) FULL WORKING PRIOR TO CONSTRUCTION ACTIVITIES OF ANY KIND THE CONTRACTOR SHALL CONTACT THE UTILITY NOTIFICATION CENTER OF COLORADO AT 1-800-922-1987 OR 811 TO OBTAIN AN INQUIRE IDENTIFICATION NUMBER AND TO REQUEST THE UTILITY OWNERS TO MARK THE LOCATION OF ALL UNDERGROUND UTILITIES WHICH MAY BE IMPACTED BY CONSTRUCTION.
7. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL EXISTING UTILITIES, INCLUDING UTILITIES NOT SHOWN ON THE CONSTRUCTION DRAWINGS. PRIOR TO ADJUSTING ANY UTILITIES THE CONTRACTOR SHALL OBTAIN APPROVAL FROM THE UTILITY OWNER.
8. IF THERE ARE EXISTING UTILITIES IN CONFLICT WITH THE PROPOSED IMPROVEMENTS THE CONTRACTOR SHALL STOP WORK AND NOTIFY THE OWNER, ENGINEER, AND UTILITY OWNER TO DETERMINE A SOLUTION FOR THE CONFLICT. THE CONTRACTOR SHALL PROTECT ALL UTILITIES AND STRUCTURES FOUND AT THE SITE UNLESS OTHERWISE INDICATED IN THESE PLANS.
9. ALL TRENCHING CONSTRUCTION SHALL MEET OSHA STANDARDS AND REQUIREMENTS.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR IMPLEMENTING AND MAINTAINING CONSTRUCTION ACTIVITIES STORMWATER MANAGEMENT BEST MANAGEMENT PRACTICES. CONTRACTOR SHALL OBTAIN ALL REQUIRED LOCAL AND STATE CONSTRUCTION ACTIVITIES STORMWATER MANAGEMENT PERMITS.

GRADING AND EROSION CONTROL NOTES:

1. ALL FILL MUST BE COMPACTED TO 90% MODIFIED PROCTOR AT PLUS OR MINUS 2% OF THE OPTIMUM MOISTURE CONTENT.
2. EARTHWORK SHALL NOT BE COMPLETED WHEN THE GROUND IS FROZEN.
3. TOPSOIL SHALL BE STOCKPILED FOR USE ON FINAL LANDSCAPING. STOCKPILES SHALL BE PROTECTED FROM EROSION.
4. AT ALL TIMES THE CONSTRUCTION SHALL INCORPORATE TECHNIQUES TO LIMIT WIND-CAUSED EROSION INCLUDING BUT NOT LIMITED TO WATERING.
5. CONTRACTOR SHALL KEEP STREET CLEAN OF DEBRIS AT ALL TIMES. CONTRACTOR SHALL CLEAN STREET AND ADJACENT PROPERTIES AS REQUIRED.
6. CONTRACTOR SHALL ESTABLISH A CONSTRUCTION ENTRANCE AND STORAGE/STAGING AREA.
7. ALL CULVERT INLETS AND OUTLETS SHALL RECEIVE RIP RAP PROTECTION.
8. CONTRACTOR SHALL SALVAGE AND REUSE EXISTING ROAD BASE MATERIALS AS POSSIBLE.

WATER UTILITY NOTES:

1. ALL WATER UTILITY WORK, MATERIALS, AND CONSTRUCTION SHALL BE COMPLETED PER TOWN OF RICO WATER OPERATIONS RULES AND REGULATIONS, MOST CURRENT VERSION.

FRANCHISE UTILITY NOTES:

1. FRANCHISE (GAS, ELECTRIC, TELECOM, FIBER, ETC...) ARE SHOWN IN CONCEPT ONLY. FINAL DESIGN IS BY THE UTILITY PROVIDER. DEVELOPED SHALL PROVIDE CONTRACTOR FRANCHISE UTILITY DESIGN AND CONSTRUCTION IMPROVEMENT INFORMATION AND PERMITTING.
2. CONTRACTOR SHALL BE COMPLETE ALL WORK PER FRANCHISE UTILITY PROVIDER REQUIREMENTS.

LOTS 15-16 AND 26-30 BLOCK 18 INFRASTRUCTURE IMPROVEMENT PLANS

PERMIT SUBMITTAL



LOCATION MAP:
1"=300'



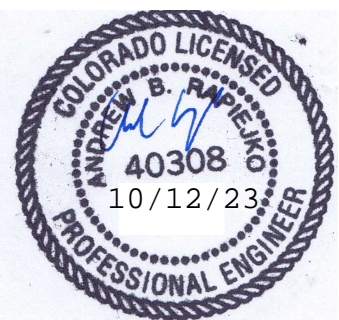
SHEET INDEX

#	TITLE	NAME
1.	C000 – COVER SHEET	
2.	C100 – ALLEY IMPROVEMENT PLAN	
3.	EXISTING CONDITIONS / TOPOGRAPHIC SURVEY – BY OTHERS	

TOWN OF RICO APPROVAL

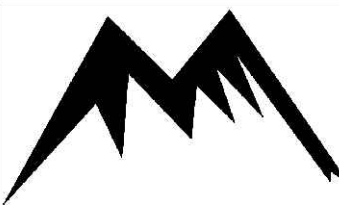
PRINTED NAME _____

SIGNATURE _____ DATE _____

[illegible]

LOTS 15-16 AND 26-30 BLOCK 18

COVER SHEET



**MOUNTAIN CIVIL
CONSULTING**

MOUNTAIN CIVIL
CONSULTING, LLC

712 Eagle- Pass
Durango, CO 81301
970-946-3175

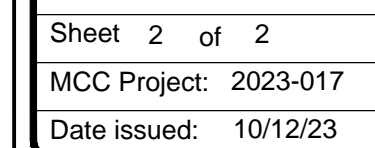
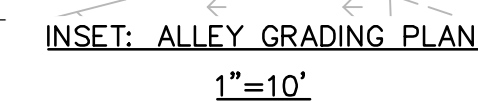
C000

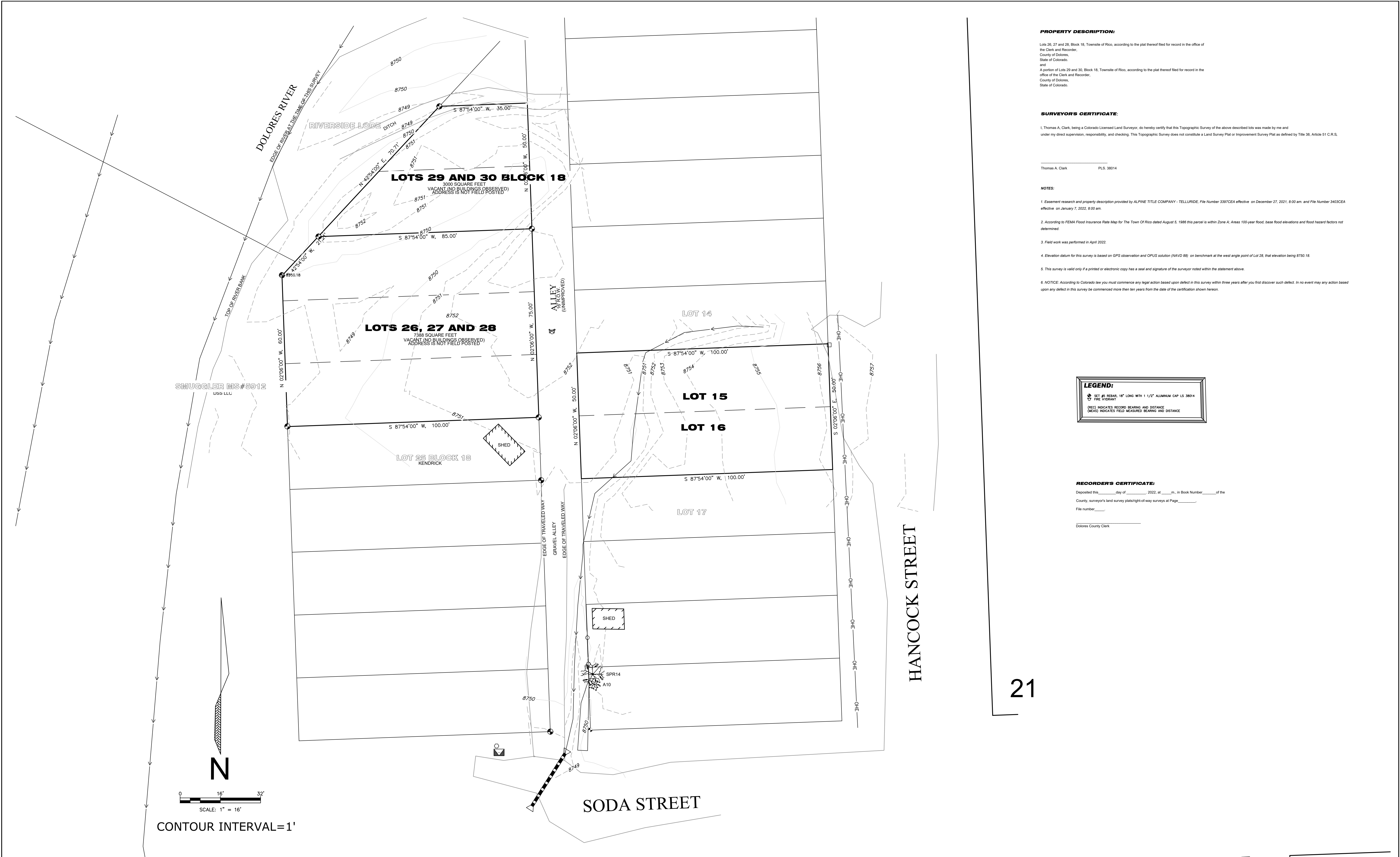
Sheet 1 of 2

MCC Project: 2023-017

Date issued: 10/12/23

1. SUBGRADE SHALL BE SCARIFIED AND RECOMPACTED TO A DEPTH OF 8" TO 95% MAX DRY DENSITY MODIFIED PROCTOR AT $\pm 2\%$ OPTIMUM MOISTURE CONTENT.
2. CLASS 2 AND CLASS 6 BASE COURSE SHALL BE COMPACTED TO 95% MAX. DRY DENSITY MODIFIED PROCTOR AT $\pm 2\%$ OPTIMUM MOISTURE CONTENT.
3. ALL DISTURBED AREAS OUTSIDE OF ROAD BASE SHALL RECEIVE NATIVE SEED AND MULCH.





PROPERTY DESCRIPTION:

Lots 26, 27 and 28, Block 18, Townsite of Rico, according to the plat thereof filed for record in the office of the Clerk and Recorder,
County of Dolores,
State of Colorado.
and
A portion of Lots 29 and 30, Block 18, Townsite of Rico, according to the plat thereof filed for record in the office of the Clerk and Recorder,
County of Dolores,
State of Colorado.

SURVEYOR'S CERTIFICATE:

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Thomas A. Clark PLS 38014

NOTES:

- Easement research and property description provided by ALPINE TITLE COMPANY - TELLURIDE, File Number 3397CEA effective on December 27, 2021, 8:00 am, and File Number 3403CEA effective on January 7, 2022, 8:00 am.
- According to FEMA Flood Insurance Rate Map for The Town Of Rico dated August 5, 1986 this parcel is within Zone A, Areas 100-year flood, base flood elevations and flood hazard factors not determined.
- Field work was performed in April 2022.
- Elevation datum for this survey is based on GPS observation and OPUS solution (NAVD 88) on benchmark at the west angle point of Lot 28, that elevation being 8750.18.
- This survey is valid only if a printed or electronic copy has a seal and signature of the surveyor noted within the statement above.
- NOTICE: According to Colorado law you must commence any legal action based upon defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

LEGEND:

SET #1 REBAR, 18" LONG WITH 1 1/2" ALUMINUM CAP LS 38014
FIRE HYDRANT
(REC) INDICATES RECORD BEARING AND DISTANCE
(MEAS) INDICATES FIELD MEASURED BEARING AND DISTANCE

RECORDERS CERTIFICATE:

Deposited this _____ day of _____, 2022, at _____ m., in Book Number _____ of the
County, surveyor's land survey plat/right-of-way surveys at Page _____
File number _____

Dolores County Clerk

TOPOGRAPHIC MAP OF LOTS 26, 27 AND 28, AND LOTS 29 AND 30, BLOCK 18,
TOWN OF RICO, SECTION 35, T40N, R11W, N.M.P.M., DOLORES COUNTY, COLORADO.

ALL POINTS LAND SURVEY L.L.C.
PO BOX 754 OPHIR, COLORADO 81435 (970) 708-9694

DATE: 5/4/2022	TC	JOB# 22003	
DRAWN BY	JCC		
CHECKED BY		SHEET-1-OF-1	



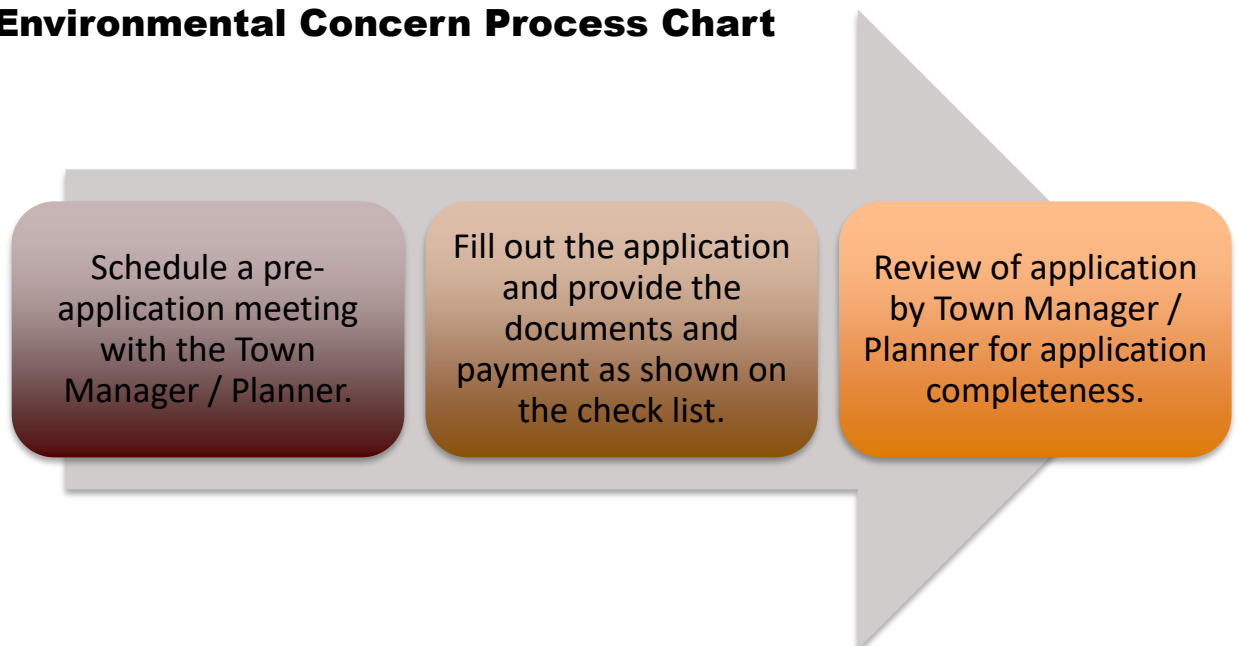
Development Permit for Areas of Environmental Concern

Development Permits for Areas of Environmental Concern are required when any of the following conditions exist on the subject property:

- Avalanche Hazard Areas
- Flood Plane Areas
- Steep Slopes
- Wetland Areas
- Wildfire Hazard Areas
- Wildlife Habitat Areas

Maps of Areas of Environmental Concern are available on the Town Rico GIS system, on the ricocolorado.gov web site and at Town Hall in the Rico Land Use Code.

Development Permit for Areas of Environmental Concern Process Chart

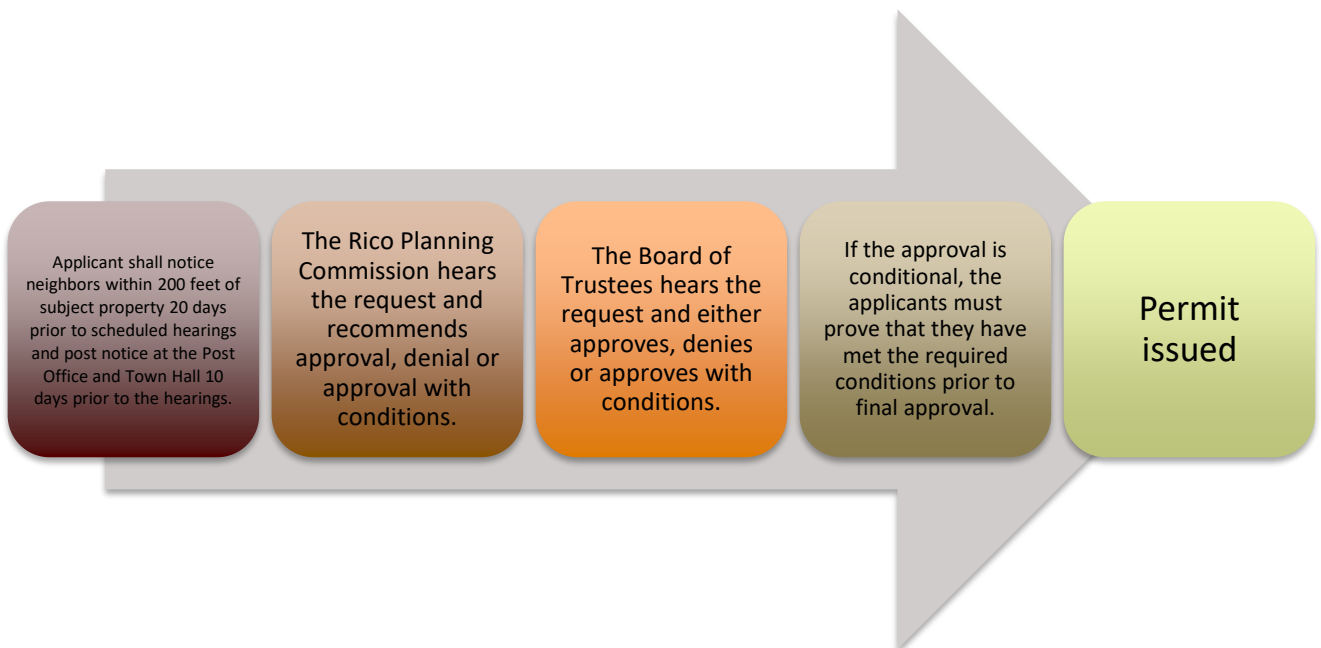


Areas of Environmental Concern Development Permit Process Chart

The Rico Planning Commission is authorized to review these applications and make a recommendation to the Board of Trustees. Development activities shall avoid areas of environmental concern wherever possible unless the reviewing body finds the following:

- Allowing the development activity would result in a better overall design with respect to the purposes set forth in Article 104, Purpose of the Rico Land Use Code.
- The affected area can be fully mitigated and supported by recommendations contained in engineered mitigation proposals.

Requirements, restrictions and recommended mitigations for specific hazards are addressed in Article VIII of the Rico Land Use Code. Some approvals may require indemnity agreement with the Town.





Disturbance Permit Application

Applicant Name Leah Chmielewski Phone Number 571.249.3339
 Address PO Box 151 Cell Phone Number 571.249.3339
 Email Leahchm@yahoo.com Fax Number _____
 Street Address of Subject Property NA - Town platted right of way
 Legal Description of Subject Property NA - platted right of way north and perpendicular to Soda Street and west and parallel to Hancock Street

Zone District of Subject Property Sectin 35, Township 40, Range 11
 Contractor Name TBD Phone Number _____
 Address _____ Cell Phone Number _____
 Email _____ Fax Number _____

Attachments Required:

☒ Two (2) 24" by 36" Site Plans and (1) electronic (pdf) site plan showing the following:

North Arrow

Boundary areas: Water, wetlands, riparian areas, inner buffer zone, and boundary of proposed disturbance

Scale not greater than 1" = 20' unless the entire site will not fit on a 24"x 36" sheet

Topography 5 foot interval maximum, 2 foot preferred

Vicinity Map

Proposed grading and drainage

Lot lines with dimensions

Location of existing buildings if applicable

Easements with dimensions

Location of proposed building if applicable

Acreage of lot

Location of existing utilities if applicable

Adjacent streets with labels

Location of proposed utilities if applicable

☒ Proposed Disturbance description : Including: activity causing disturbance, amount, location and acreage of water are or wetland fill, removal or other alteration proposed, and location and extend of proposed disturbance in buffer zone.

☒ Grading, re-vegetation, and mitigation plan See site plan. No revegetation or significant grading required - disturbance in buffer zone only.

☒ Alternative Analysis NA

☒ Army Corps. Permit (if required) NA

☒ Letter of agency if applicant is other than the owner of the property NA

☒ An application fee in the amount of \$400.00.

☒ A copy of the deed for the property.

Flood planes must be determined by an Engineer licensed in the state of Colorado. Wetlands must be delineated by a certified technician and surveyed.

I swear that the information provided in this application is true and correct and that I am the owner of the property or otherwise authorized to act on behalf of the owner of the property.

Signature:  Date 18 Oct 2023

Date Application Received _____

Application Reviewed by _____

Application Fee Received _____

Date of Hearing _____

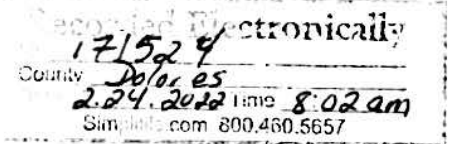
Application Complete _____

Rico Planning Commission Action _____

Mailing Notice Complete _____

Approval Subject to Conditions _____

Other comments:



WARRANTY DEED

THIS DEED, made this 17 day of February, 2022, between Elizabeth Castle, of the County of BROWN and State of Wisconsin,
 Anne Hein, of the County of _____ and State of Wisconsin,
 Courtney Kraemer of the County of BROWN and State of Wisconsin, grantor(s),
 And
 Leah Felice Chmielewski whose legal address is P.O. Box 151, Rico, CO 81332
 of the County of Dolores and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of NINETY THOUSAND AND 00/100 DOLLARS (\$90,000.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantees, their heirs and assigns forever, IN SEVERALTY, all the real property, together with improvements, if any, situate, lying and being in the County of Dolores and State of Colorado, described as follows:

Lots 15 and 16, Block 18, Townsite of Rico, according to the plat thereof filed for record in the office of the Clerk and Recorder,
 County of Dolores, State of Colorado.

also known by street and number as: 109 North Hancock Street, Rico, CO 81332

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantees, their heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantees, their heirs and assigns, that at the time of the enrolling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature, except for taxes for the current year, a lien but not yet due and payable, subject to statutory exceptions as defined in CRS 38-30-113, revised.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.


 Elizabeth Castle

 Anne Hein


 Courtney Kraemer

GENERAL WARRANTY DEED

3409CEA
 February 16, 2022
 4:58 PM

OK
 EE

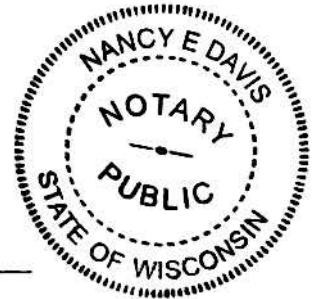
State of Wisconsin
County Of Brown

The foregoing instrument was acknowledged before me this February 17, 2022, by Courtney Kraemer.

My Commission expires: 08/06/2023

Witness my hand and official seal.

Nancy E. Davis
Notary Public



State of
County Of

}
} ss.
}

The foregoing instrument was acknowledged before me this February _____, 2022, by Anne Hein.

My Commission expires:

Witness my hand and official seal.

Notary Public

State of Wisconsin
County Of Brown

The foregoing instrument was acknowledged before me this February 17, 2022, by Elizabeth Castle.

My Commission expires: 08/06/2023

Witness my hand and official seal.

Nancy E. Davis
Notary Public



on
ESC

WARRANTY DEED

THIS DEED, made this 17 day of February, 2022, between Elizabeth Castle, of the County of _____ and State of Wisconsin,

Anne Hein, of the County of Oakland and State of Michigan
 Courtney Kraemer of the County of _____ and State of Wisconsin, grantor(s),
 And

Leah Felice Chmielewski whose legal address is P.O. Box 151, Rico, CO 81332
 of the County of Dolores and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of NINETY THOUSAND AND 00/100 DOLLARS (\$90,000.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantees, their heirs and assigns forever, IN SEVERALTY, all the real property, together with improvements, if any, situate, lying and being in the County of Dolores and State of Colorado, described as follows:

Lots 15 and 16, Block 18, Townsite of Rico, according to the plat thereof filed for record in the office of the Clerk and Recorder,
 County of Dolores, State of Colorado.

also known by street and number as: 109 North Hancock Street, Rico, CO 81332

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantees, their heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantees, their heirs and assigns, that at the time of the enrolling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature, except for taxes for the current year, a lien but not yet due and payable, subject to statutory exceptions as defined in CRS 38-30-113, revised.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

 Elizabeth Castle


 Anne Hein

 Courtney Kraemer

State of

}
 } ss.
 }

County Of

The foregoing instrument was acknowledged before me this February _____, 2022, by Courtney Kraemer.

My Commission expires:

Witness my hand and official seal.

 Notary Public

State of *Michigan*

}
 } ss.
 }

County Of *Oakland*The foregoing instrument was acknowledged before me this February *17th*, 2022, by Anne Hein.My Commission expires: *03/08/2027*

Witness my hand and official seal.

[Signature]

 Notary Public

Chelise Annise Peoples
 NOTARY PUBLIC - STATE OF MICHIGAN
 COUNTY OF Oakland
 My Commission Expires 03/08/2027
 Acting in the County of *Oakland*

State of

}
 } ss.
 }

County Of

The foregoing instrument was acknowledged before me this February _____, 2022, by Elizabeth Castle.

My Commission expires:

Witness my hand and official seal.

 Notary Public

**NOTICE OF PENDING ROAD BUILDING AND DISTURBANCE PERMIT
APPLICATION**

Date: 18 October 2023

RE: Public Hearing on Road Building Application

Dear Property Owner,

You are receiving this public notice as required by the Town of Rico Land Use Code because you own property adjacent to the proposed road construction and/or within 200 feet of the proposed disturbance.

Name of Applicant: Leah Chmielewski

Type of Development Application(s): Road Building and Disturbance Permit Application

Legal Description: NA - Town Platted Right of Way, north and perpendicular to Soda Street and west/parallel to North Hancock Street

Address: NA - Town Platted Right of Way, north and perpendicular to Soda Street and west/parallel to Hancock Street

Review Authority: Rico Planning Commission and Rico Board of Trustees

Rico Planning Commission Hearing Date: November 8, 2023 7:00 PM

Rico Board of Trustees Hearing Date: November 15, 2023 7:00 PM

Location of Public Hearing: Rico Town Hall, 2 Commercial Street, Rico Colorado, 81332

The application is available for public inspection in the Town Clerks office during normal operating hours.

Send emailed comments addressed to the townmanager@ricocolorado.gov

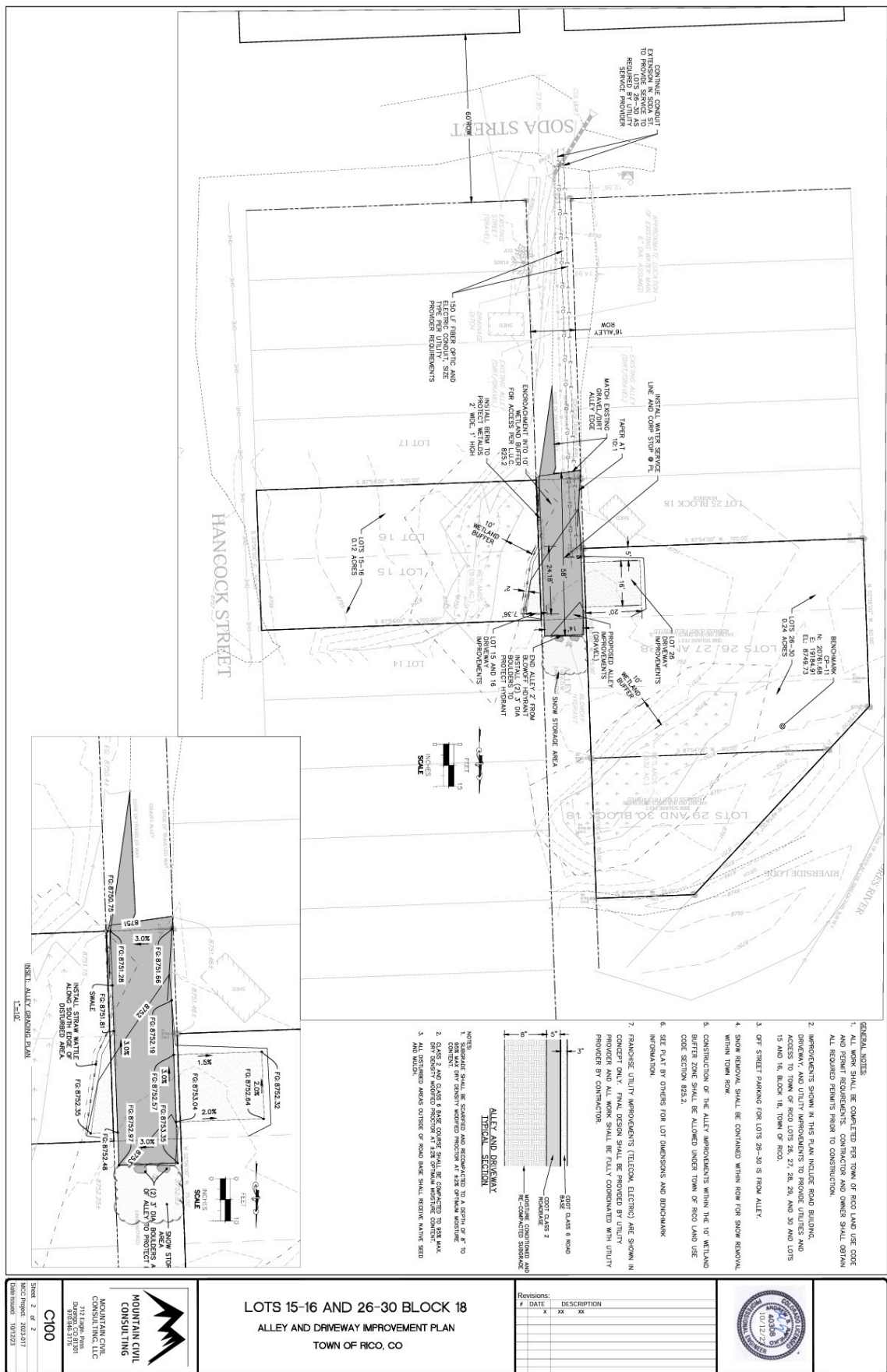
Or by surface mail to:

Chauncey McCarthy

Town of Rico

PO Box 9

Rico Colorado, 81332





San Juan
National
Forest

Stack

Roberts

Milstead

Robertson

Chmielewski

Chmielewski

Kendrick

Smith

Muldoon

DDS LLC

Britton

McJoynt

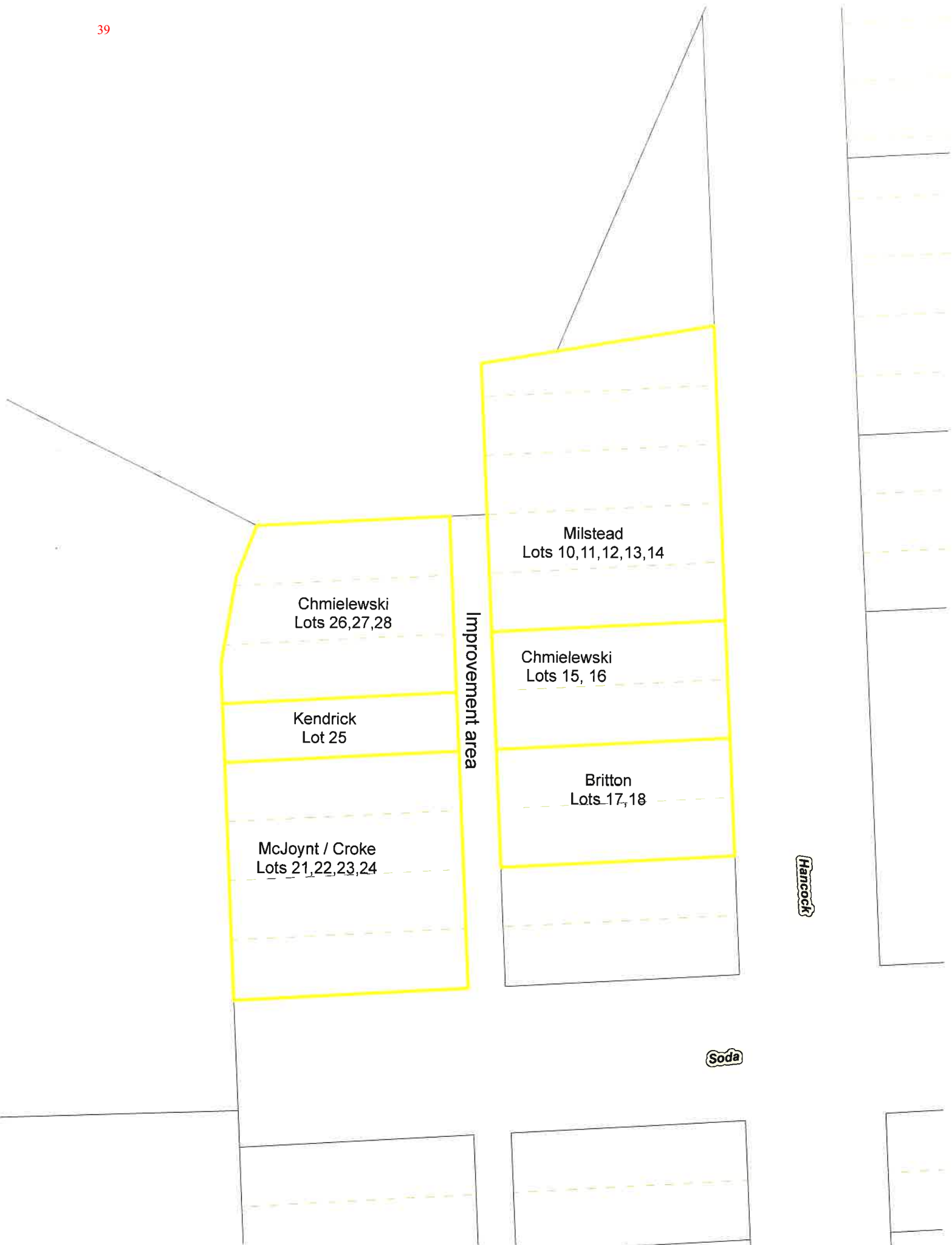
Robertson

DDS LLC

Town of Rico

Anderson

Ellease



Adjacent Parcels to Improvement Area

ANAME1	ADDR1	ADDR3	ADDR4	ASTA	AZIPCD	APADDR
CHMIELEWSKI LEAH FELICE		P.O. BOX 151	RICO	CO	813320000	
MILSTEAD JAY & MARY LOU MILSTEAD	REVOCABLE TRUST DATED 5/16/19	1420 SOUTH 6TH AVENUE	YUMA	AZ	853640000	117 N. HANCOCK ST.
CHMIELEWSKI LEAH FELICE		P.O. BOX 151	RICO	CO	813320000	109 N. HANCOCK STREET
BRITTON JAMES W.		P.O. BOX 26	RICO	CO	813320000	107 N. HANCOCK STREET
MC JOYNT KATHLEEN A. & JOSEPH V.	CROKE (JT)	P.O. BOX 8	RICO	CO	813320000	216 W. SODA STREET
KENDRICK GARY		832 CROSSTIMBERS DRIVE	FT. WORTH	TX	761080000	

PARCEL #	NAME	ADDRESS	CITY	STATE	ZIP CODE	PROP ADDRESS
504735102002	CHMIELEWSKI LEAH FELICE	P.O. BOX 151	RICO	CO	81332	
504726401018	STACK VINCENT J. & HUDELSON,	7650 MEADOWLARK LANE	SALIDA	CO	81201	RIVERSIDE LODE
504736206002	MULDOON CORNELIUS F. & BARBARA	3418 RIDGELINE DR.	MONTROSE	CO	81401	119 N. RIVER STREET
504735101002	ROBERTSON DYLAN J.	P.O. BOX 87	RICO	CO	81332	116 N. HANCOCK ST.
504725303007	ROBERTS MARIA G.	2900 S. PALO VERDE LANE, UNIT 18	YUMA	AZ	85365	131 N. RIVER STREET
504735101001	SMITH KIPLYN J. TRUST DATED	P.O. BOX 352	RICO	CO	81332	102 N. HANCOCK
504701100002	SAN JUAN NATIONAL FOREST	15 BURNETTE COURT	DURANGO	CO	81301	48540 HWY 145
504735100518	DSS LLC	P.O. BOX 8	RICO	CO	81332	SMUGGLER
504735102014	MILSTEAD JAY & MARY LOU MILSTEAD	1420 SOUTH 6TH AVENUE	YUMA	AZ	85364	117 N. HANCOCK ST.
504735102010	CHMIELEWSKI LEAH FELICE	P.O. BOX 151	RICO	CO	81332	109 N. HANCOCK STREET
504735102007	BRITTON JAMES W.	P.O. BOX 26	RICO	CO	81332	107 N. HANCOCK STREET
504735102008	ROBERTSON DYLAN J. & JESSE S.	P.O. BOX 87	RICO	CO	81332	131 N. HANCOCK STREET
504735102017	MC JOYNT KATHLEEN A. & JOSEPH V.	P.O. BOX 8	RICO	CO	81332	216 W. SODA STREET
504735102003	KENDRICK GARY	832 CROSSTIMBERS DRIVE	FT. WORTH	TX	76108	
504735103013	RICO TOWN OF	P.O. BOX 9	RICO	CO	81332	213 W. SODA STREET
504735103006	ANDERSON GREGORY E. & BENSETT,	P.O. BOX 2171	TELLURIDE	CO	81435	39 N. HANCOCK STREET
504735104012	ELLEASE RAEGAN	P.O. BOX 87	RICO	CO	81332	135 W. SODA ST.
504701100002	SAN JUAN NATIONAL FOREST	15 BURNETTE COURT	DURANGO	CO	81301	

AFFIDAVIT OF MAILING PUBLIC NOTICE LETTER

Date: 18 October 2023

Town of Rico
Rico Planning Commission
PO Box 9
Rico, Colorado, 81332

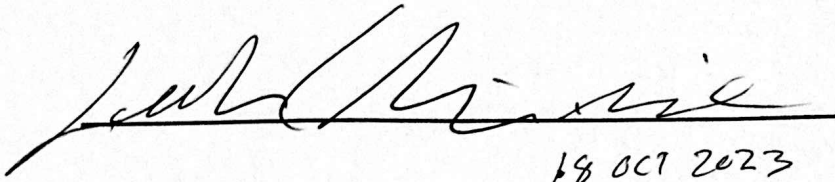
Re: Certification and Affidavit of Mailing Public Notice Letter for Improvements to the Tone Platted Right of Way North and Perpendicular to Soda Street and West of and Parallel to North Hancock Street

I hereby declare that I, *Leah Chmielewski*, mailed a copy of the Town approved, enclosed public notice letter via U.S. First Class Mail, postage prepaid thereon on 18 October, 2023 (date that letter was dropped in the mail), to the attached list of property owners. The public notice letter was prepared and mailed in accordance with the public noticing requirements of the Rico Land Use Code. The public notice letter was placed in the mail on 18 October 2023 which was at least 20 days prior to the public hearing(s) to be held on 08 and 15 November, 2023. The list of property owners includes all lot and condominium property owners located within 200 feet of the boundary of the existing or proposed lot(s) and adjacent properties to the proposed improvements. The adjacent and 200 feet boundary property owner lists were compiled from the Dolores County GIS Website or Assessors Office.

Attached is a copy of the noticing letter, list of all property owners noticed, including their lot number and mailing address, a copy of the vicinity map mailed with the noticing letter, and a map showing all lots that were included within the 200 foot noticing area.

I declare that under penalty of perjury under the laws of the State of Colorado that the foregoing is true and correct.

Sincerely,

A handwritten signature in black ink, appearing to read "Leah Chmielewski", is written over a horizontal line.

18 OCT 2023

Leah Chmielewski

Citizen

October 31, 2023

Town of Rico
Planning Commission
Board of Trustees
C/O: Chauncey McCarthy, Town of Rico Manager
PO Box 9
Rico, Co 81332

RE: Road Building and Disturbance permit application by Leah Chmielewski, applicant

Dear Commissioners and Trustees:

We are owners of Lots 21-24 Blk 18, Town of Rico and the Shamrock and Smuggler Mining Claim within the Town of Rico that are adjacent to this applicant's property and/or are affected by this application. We are writing to object to this Road building /Disturbance permit application(s) filed by Leah Chmielewski and notice for a planning commission hearing on 11-8-2023. The reasons for the objection are as follows:

- 1) The application is incomplete and not compliant. (see letter from Mike Lynch Esq. setting forth the sections of the LUC that have not been met.) To name a few: there are no town engineer plans or their review.
- 2) The driveway and adjoining "ROW" have not been surveyed or staked to allow proper sighting to adequately determine the boundaries of all the private property on all sides of this proposed road building proposal.
- 3) The current driveway and improvements were constructed at our expense in 1996 when we built our home, located at 216 W Soda St. Additionally, the Town's water line encroaches significantly on our property. It was not installed by the Town; it was installed by the previous owners of our property for their benefit at their costs, in the early 1990's. Furthermore, we have continually maintained and improved our driveway at our expense, both with annual plowing/shoveling, road base and annual water drainage maintenance for the past 27years. This application is asking the Town of Rico to allow the applicant to use our driveway and private property to access her property. We will not allow this.
- 4) The properties this applicant owns have access from Hancock Street, a 60ft, improved and maintained Town ROW with power and water accessible. All her properties can be accessed via Hancock and through her own property without the need to disturb any private property or what this applicant believes is a town ROW.
- 5) Soda Street, as it intersects our driveway, is not constructed nor improved as a 60' ROW as it appears on the Town's Street plan. There are significant drainage issues on both Soda St and in our driveway resulting from not only surface runoff but also significant annual subsurface flows

from the Atlantic Cable mine shaft (that undermines the properties to the east of our Driveway) , Silver creek and The Dolores River. Soda Street would also need to be improved, which would require additional engineering, surveying and drainage plans to be included in this application.

- 6) The applicant 's lots 26-28 have yet to be proven even developable as they are not only in the 100yr flood plain, these lots are physically bisected by the active Dolores River which is an ACTIVE waterway. Within the past 27yrs we have lived where we live, the Dolores River has actively bisected this property every year. At a minimum these lots would be subject to a full and complete wetland and flood plain analysis and delineation. It would set a very bad precedent by the town to allow people to build within the actual River. Also, 3 previous town managers have told and informed the previous owners of these Lots that they are developable.

In conclusion, this applicant is seeking a hearing with an incomplete application for a proposed road over private property to Lots that have yet to be determined to be even buildable. Without substantial surveying, engineering and environmental analysis, this road improvement application is premature and unsubstantiated. We therefore request that this application be denied.

Very Truly yours,

Joe Croke

Cc: Kathy Mcjoynt/Dss LLC

Mike Lynch, Esq.



VIA EMAIL (townmanager@ricocolorado.gov)

Ms. Chauncey McCarthy
Town Manager
Town of Rico
P.O. Box 9
Rico, CO 81332

November 3, 2023

Re: Comments and Objections to Application for Road Building Permit and Wetlands Disturbance Permit ("**Application**") Submitted by Leah Chmielewski (the "**Applicant**").

Dear Mr. McCarthy:

On behalf of our clients, Kathy McJoynt and Joe Croke, the undersigned hereby submits comments and objections in connection with the captioned Application. Please distribute copies of this letter to staff and the members of the Town of Rico Planning Commission ("**Commission**") prior to the scheduled November 8, 2023 hearing on the Application.

I. **Introduction.** Ms. McJoynt and Mr. Croke (the "**Crokes**") are the owners of Lots 21, 22, 23 and 24, Block 18, Town of Rico, Dolores County, Colorado (the "**Croke Property**"). The Applicant's Application has direct and serious effects on the Croke Property. The Crokes and I have carefully reviewed the Application and the Town of Rico Land Use Code ("**RLUC**"). We believe the Application and the planned development are deficient in many respects, as described herein.

The Application appears to be an application for two separate approvals – a Road Building Permit (RLUC § 470 *et. seq.*) and a Disturbance Permit Application (RLUC § 823 *et. seq.*). We believe there are serious deficiencies in each application.

A. **Road Building Permit.** The Application is incomplete or deficient pursuant to the following RLUC provisions:

1. RLUC § 475.2. Although the "survey" included in the Application appears to have some minimal topographic contours, there does not appear to be any representation of drainage conditions. Although a "drainage plan" is referenced in the Application, we can find no such plan.

2. RLUC § 475.3 requires that a "copy of a certified survey" be submitted with the Application. We can find no such survey in the Application. There is an unsigned, uncertified "Topographic Map" which is dated 5/4/2022, almost one and a half years prior to the date of the Application. The submission of an essentially draft version of a topographic map, which is neither

signed nor certified by a registered land surveyor, is not compliant with RLUC § 475.3. In addition, the fact that the instrument was created almost 18 months ago indicates that it may not accurately depict existing conditions of the land as of the date of the Application.

3. RLUC §§ 475.4 and 475.5. The Application's entire off-street parking plan consists of a one-sentence plan note: "Off Street Parking...is from Alley." We do not believe that this note is an adequate explanation for off-street parking under the RLUC. In addition, the "snow storage area depicted in the plan appears to be inadequate. It is not at all clear how the snow can be stored in a relatively small area, with the added obstruction of boulder placement to protect the hydrant.

4. RLUC § 475.7. The Crokes reserve the right to dispute the statements contained in the Application that: The "right of way is a platted right of way," that it is "partially improved," that it is "already part of a Rico Subdivision," and that it is included in the "Major Street Plan." As the Commission is already likely aware, there is no evidence extant that this alley, although historically depicted in various plats and maps, was ever properly conveyed to the Town of Rico, or dedicated as a right of way. Perhaps that issue is best left for another time; however, we feel it is germane to the issues raised in the improvement plan. In any event, it should be noted that a significant portion of "travelled way" of the alley is located on the Croke Property, and has been used and maintained by the Crokes exclusively for at least 27 years.

5. RLUC § 478 requires that all Road Building Permit Applications shall be reviewed by the Town Engineer. There is no evidence that the Town Engineer has engaged in such review, and until such review has been conducted and made available to interested members of the public, any approval of the Application is premature.

6. RLUC § 478.5. The existing ditch is in the platted right of way. It seems, based on the Application, that, at a minimum a new bar ditch and more likely, a culvert, would be required by RLUC § 478.5. These issues are not addressed in the Application.

7. RLUC § 478.9 addresses road design standards for cul-de-sac streets. Although the Application indicates that this section is "not applicable," the project, as depicted in the improvement plan, shows that this is, for all intents and purposes, a cul-de-sac. Query whether all the requirements of a cul-de-sac are applicable to this project; however, emergency vehicle access, turn-arounds and snow removal/snow storage issues appear to be relevant, but not sufficiently addressed in the Application.

B. Disturbance Permit Application. The Application also appears to be for a Disturbance Permit pursuant to RLUC § 823; however, it does not comply with numerous provisions of that section.

With respect to the requirements of RLUC § 823.1-823.7, the improvement plan neither addresses them nor explains why they should not apply. On this basis alone, any consideration by the Commission of the plan for approval should be continued until the wetland issues are properly addressed.

In addition, it is not clear to us that the 10-foot buffer zone as reflected in RLUC § 824.1 (Grandfather clause) applies.

Although the improvement plan appears to depict several wetland areas, it does not explain how, when or by whom the wetlands were delineated. General Note 1 of the improvement plan indicates that existing conditions shown in the plan are from “topographical data” provided by the surveyor; however, the un-certified 2022 topographical map does not depict the wetlands at all. Any consideration of the plan should, at a minimum, include accurate delineation data.

The improvement plan, at Note 5, cites RLUC § 825.2. However, if, as stated in the Application, the “proposed use would be access to Lots 26-28 and 15-16, Block 18 Properties,” that statement means that the alley is to be used in connection with subsequent development of those lots. If that is the case, any access to improvements on Lot 15-16 from the alley would perforce have to traverse the wetlands on Lot 15-16 as depicted on the improvement plan. The inevitable result of such a scenario is that RLUC § 825.2 can no longer apply, because if there is approved development on Lot 15-16, then the alley improvement activity is *not* necessary, because there is another more practical route - that being established access and utilities through Lot 15-16 to Hancock Street, where access and utilities already exist.¹

The improvement plan does not address other provisions of the RLUC, including §§ 826 and 827, and whether they apply. The Commission, and the public, are entitled to a more thorough analysis of these issues prior to any consideration of the improvement plan.

II. **The Location of the Alley.** As the Commission doubtless is aware, the actual versus the “platted” location of the alley diverges. Most of the traveled way of the alley is located on the Croke Property. The Applicant has not addressed the issue of how access to and from the Applicant’s lots will be achieved without trespassing onto private property. This is an issue of utmost importance to the Crokes, and it very much needs to be addressed before full consideration of the improvement plan.

III. **Conclusion.** While the foregoing discussion is not a comprehensive listing of the deficiencies of the Application, it shows that there are numerous issues to be addressed and, hopefully resolved before the improvement plan can be considered, much less approved, by the Commission. It is clear that the only appropriate action that can be taken by the Commission is to

¹ The somewhat circular analysis that is required in this scenario highlights an important overarching issue related to this Application. Based on anecdotal and historical evidence gleaned from long-time residents and staff, including but not at all limited to the Crokes, there is legitimate doubt that Lots 25-28, Block 18, are capable of being developed at all (this could explain the \$11,500.00 purchase price the Applicant paid for those lots). If that is the case, or even if there is even any question regarding developability of those lots, then any approval of a development plan for the alley should not occur until *after*, or at least concurrently, with approval of a development plan for Lots 25-28. We do not see the point, or the advisability, of approving a road building plan when the lots to be served by the road may not be developable at all.

Mr. Chauncey McCarthy

November 3, 2023

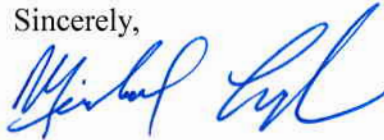
Page 4

continue the Application until such time as it is deemed correct and complete by staff, and until the issues discussed herein are addressed.

Please note that this letter is not intended to be a complete statement of the facts and circumstances surrounding the matters discussed, nor should it be construed as a waiver of any of our clients' legal or equitable rights, all of which are specifically reserved.

Please contact the undersigned if you have any questions or comments regarding the foregoing.

Sincerely,



MICHAEL J. LYNCH

cc: Ms. Kathy McJoynt
Mr. Joe Croke



TOWN OF RICO

DOLORES COUNTY, COLORADO
 INCORPORATED OCTOBER 11, 1879
 2 North Commercial Street
 Post Office Box 9
 Rico, Colorado 81332
 Office # 970.967.2861
 Fax # 970.967.2862
www.ricocolorado.org

RLUC Review

Date: 10.11.2023

Segment: Article IV

Start: 400: Building Permit

Stopping point: Article IV: Section 420 Special Use Permit

Notes:

- Compliance with the most up to date building code be changed. Want it to stay to the most updated building code. So that both building and engineering holds to the most updated building code. So, an updated ordinance by the town in updating the IBC needs to occur to match what the RLUC is doing.
 - This will refer to the current building code. Permits are required for the most recently adopted code.
 - The exceptions will adopt whatever the most updated IBC has.
 - Test pits for engineering related to foundations and septic designs are *allowed* without a building permit.
 - Need a definition for what a test pit is and that it includes an engineer. Test pits for engineering related to foundations and septic designs are allowed without a building permit or septic permit.
 - There is some conversation about the definition of yard.
 - Every part of the permit area should be accessible and visible to the building official or inspector, as a change to 400.
 - 401- manager to take and update this section
 - Section 405: The manager is requested to discuss the interior lot lines in areas where there are several lots. Manager will pull some sample verbiage.
- Section 405 additionally modify: Building Permits expire after two years. Certificate of Occupancy.
- 405.1 Also apply to any additional lots used to meet the site coverage. All improvements necessary for that lot need to be on the same lot and have legal access to what they are building or do a boundary line adjustment to meet the desired development area.
 - 405.6: cutting all of 405.6
 - Proposal by manager to go after retaining walls in potentially section 200.
 - 407: Manager is requesting that this section is cut. All of it. And to direct a

Commented [i51]: Need a definition for what a test pit is and that it includes an engineer. Included at a geotech is on site. Google it.

few lines to go to the manager to know the ordinance requirement.

- 408.1 adding Official Roads map in this section for informal interpretation.
- 410: Re-numbering issue.

Worksession ended: 7:30p.m.

Stopping point: Section 420